

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

JEREMIAH FRANCIS,)	
)	
Petitioner,)	
)	
vs.)	Case No. CIV-05-0357-F
)	
EDWARD L. EVANS,)	
)	
Respondent.)	

ORDER

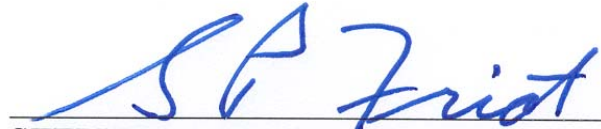
This action seeks habeas relief pursuant to 28 U.S.C. § 2241. Petitioner is a state prisoner appearing pro se whose pleadings are liberally construed. Respondent filed a “Response to Writ of Habeas Corpus with Motion to Dismiss,” urging dismissal for failure to exhaust state court remedies and alternatively on the ground that the petition is moot. After considering the motion, Magistrate Judge Bana Roberts’ Report and Recommendation (doc. no. 10) recommends that the petition be dismissed as moot.

The Report advised petitioner of his right to object by August 31, 2005. It further advised that failure to make timely objection waives any right to appellate review of both factual and legal issues contained in the Report. Petitioner has not objected to the Report and has not sought an extension of time within which to object.

With no objection having been made, and after review of the Report, the record, and the legal authorities, the court finds and concludes that it concurs with the magistrate judge’s determinations and that no purpose would be served by repeating those determinations, or the magistrate judge’s analysis, here.

Therefore, the Report and Recommendation of Magistrate Judge Bana Roberts is **ACCEPTED, ADOPTED, and AFFIRMED** in its entirety. For the reasons stated in the Report, the petition is dismissed as moot.

Dated this 15th day of September, 2005.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

05-0357p002(pub).wpd